



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,937	12/27/2000	Steven D. Curtin	CURTIN 16	3480

7590 03/08/2006

Farkas & Manelli pllc  
7th Floor  
2000 M Street, N.W.  
Washington, DC 20036-3307

EXAMINER
----------

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/747,937

Applicant(s)

CURTIN, STEVEN D.

Examiner

HELEN SHIBRU

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed 12/09/2005, have been entered and made of record. In view of the Applicant's amendment the objection of claims 1, 5, 8, 9, and 16 are hereby withdrawn.

Claims 1-22 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5-9, 11, 13-16, 18, 20, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto (US Pat. No. 5,627,655).

Regarding claim 1, Okamoto discloses an electronic write protect apparatus for storage media comprising:

at least one record/play element for reading and writing information to/from a given storage media (see col. 2 lines 43-65 and fig. 1);

a pre-existing electronic information signal detection element to read a pre-existing electronic information signal stored on said given storage media (see col. 2 line 66-col. 3 line 18),

a record circuit, adapted to record on said given storage media, to activate and deactivate said at least one record/play element based on a mere existence of a pre-recorded signal already recorded on said given storage media, as detected by said pre-existing information signal detection element (see col. 3 lines 18-25).

Regarding claim 3, Okamoto discloses at least one record/play element is attached to a spinning element (see fig. 1 rotary head (1) and col. 2 lines 46-50, col. 3 lines 46-50).

Regarding claim 5, Okamoto discloses pre-existing electronic information signal detection element is attached to said spinning element (see fig. 1 rotary head (1) and col. 3 lines 7-18).

Regarding claim 6, Okamoto discloses storage media is a video tape (see col. 2 lines 46-50 and col. 3 lines 5-9).

Regarding claim 7, Okamoto discloses storage media stores digital information (see col. 3 lines 26-45).

Regarding claim 8, Okamoto discloses pre-existing electronic information signal detection element is a record/play element (see col. 2 lines 50-59 and col. 3 lines 7-25).

The method and means claims 9 and 16 are rejected for the same reasons as discussed in the corresponding apparatus claim 1 above.

The method and means claims 11 and 18 are rejected for the same reasons as discussed in the corresponding apparatus claim 3 above.

The method and means claims 13 and 20 are rejected for the same reasons as discussed in the corresponding apparatus claim 5 above.

The method and means claims 14 and 21 are rejected for the same reasons as discussed in the corresponding apparatus claim 7 above.

The method and means claims 15 and 22 are rejected for the same reasons as discussed in the corresponding apparatus claim 8 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Takayama.

Regarding claim 2 Okamoto discloses the claimed invention except a plurality of record/play elements. Takayama discloses storage media comprising a plurality of record/play elements (see col. 4 lines 25-31 and fig. 3 recording heads 12A and B and 13A and B). Therefore in light of the teaching in Takayama it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of record/play elements in order to increase the quality of the signal to be recorder/reproduced.

The method and means claims 10 and 17 are rejected for the same reasons as discussed in the corresponding apparatus claim 2 above.

7. Claims 4, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Yuen (US. Pat. No. 6487362).

Regarding claim 4, Okamoto discloses the claimed invention in claim 1 except a stationary record/play element. Yuen discloses an apparatus for storage media wherein one record/play element is stationary (see col. 91 lines 47-55 and fig. 1 read (17) and write (19)). Therefore in light of the teaching in Yuen it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a stationary record/play element for the write protect apparatus of Okamoto because Yuen teaches a stationary record/play element provides an updated current information about the tape (see col. 4 lines 26-33).

The method and means claims 12 and 19 are rejected for the same reasons as discussed in the corresponding apparatus claim 4 above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ichimura et al. US Pat. No. 6,034,832.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MEHRDAD DASTOURI can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
March 3, 2006

  
ROBERT CHEVALIER  
PATENT EXAMINER